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OFFICE OF PETITIONS

In re Application of
Lang et al.
Application No. 10/771,602
Filed: February 4, 2004
Atty Docket No. 2781

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: DECISION ON PETITION
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This is a decision on the "PETITION TO ACCORD PATENT APPLICATION A FILING DATE OF FEBRUARY 4, 2004," filed May 19, 2004. In effect, applicants requests that the above-identified application be accorded a filing date of February 4, 2004, with figure 7 considered a part of the original application disclosure.

Application papers in the above-identified application were deposited on February 4, 2004. However, on May 5, 2004, the Office of Initial Patent Examination mailed applicants a "Notice of Omitted Items in a Nonprovisional Application." Applicants were thereby advised that the application had been accorded a filing date; however, figure 7 described in the specification appeared to have been omitted from the application.

Petitioner acknowledges that it does not appear that the sixth drawing sheet, containing figure 7, was filed with the subject application. Petitioner states, however, that a Priority Document was filed with the application and the Priority Document contained Figure 7. Petitioner submits a copy of Figure 7 on petition.

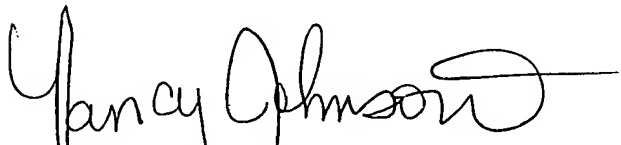
A review of the application as filed on February 4, 2004, reveals that the Priority Document was among the papers received on February 4, 2004. In addition, the Priority Document included Figure 7 as stated by applicants. Thus, it is concluded that Figure 7, was present in the application on filing, albeit, in the Priority Document.

In view thereof, the petition is GRANTED.

The petition fee has been debited to Deposit Account No. 19-4675, as authorized.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of February 4, 2004, using the five (5) sheets of drawings containing Figures 1-6 supplied on February 4, 2004, and the one (1) sheet of drawings containing figure 7 supplied on petition filed May 19, 2004, and for indication in Office records that six (6) sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions